



General Assembly

January Session, 2003

Amendment

LCO No. 6717

HB0625406717HD0

Offered by:

REP. O'CONNOR, 35th Dist.

REP. GIULIANO, 23rd Dist.

REP. SPALLONE, 36th Dist.

To: House Bill No. 6254

File No. 487

Cal. No. 309

**"AN ACT CONCERNING ON-SITE WASTEWATER MANAGEMENT
DISTRICTS AND ALTERNATIVE SUBSURFACE SEWAGE
TREATMENT SYSTEMS."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 7-245 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2003*):

5 For the purposes of this chapter: ["acquire] (1) "Acquire a sewerage
6 system" means obtain title to all or any part of a sewerage system or
7 any interest therein by purchase, condemnation, grant, gift, lease,
8 rental or otherwise; (2) "alternative sewage treatment system" means a
9 sewage treatment system serving one or more buildings that utilizes a
10 method of treatment other than a subsurface sewage disposal system
11 and that involves a discharge to the ground waters of the state; (3)
12 "community sewerage system" means any sewerage system serving

13 [one] two or more residences in separate structures which is not
14 connected to a municipal sewerage system or which is connected to a
15 municipal sewerage system as a distinct and separately managed
16 district or segment of such system; (4) "construct a sewerage system"
17 means to acquire land, easements, rights-of-way or any other real or
18 personal property or any interest therein, plan, construct, reconstruct,
19 equip, extend and enlarge all or any part of a sewerage system; (5)
20 "decentralized system" means managed subsurface sewage disposal
21 systems, managed alternative sewage treatment systems or community
22 sewerage systems that discharge sewage flows of less than five
23 thousand gallons per day, are used to collect and treat domestic
24 sewage, and involve a discharge to the groundwaters of the state from
25 areas of a municipality; (6) "decentralized wastewater management
26 district" means areas of a municipality designated by the water
27 pollution control authority through a municipal ordinance where an
28 engineering report approved by the Commissioner of Environmental
29 Protection that includes concurrence with such approval by the
30 Commissioner of Public Health after consultation with the local
31 director of health who has determined that the existing subsurface
32 sewage disposal systems may be detrimental to public health or the
33 environment and has determined that decentralized systems are
34 required; (7) "municipality" means any metropolitan district, town,
35 consolidated town and city, consolidated town and borough, city,
36 borough, village, fire and sewer district, sewer district and each
37 municipal organization having authority to levy and collect taxes; (8)
38 "operate a sewerage system" means own, use, equip, reequip, repair,
39 maintain, supervise, manage, operate and perform any act pertinent to
40 the collection, transportation and disposal of sewage; (9) "person"
41 means any person, partnership, corporation, limited liability company,
42 association or public agency; (10) "remediation standards" means
43 pollutant limits, performance requirements, design parameters or
44 technical standards for application to existing sewage discharges in a
45 decentralized wastewater management district for the improvement of
46 wastewater treatment to protect public health and the environment;
47 (11) "sewage" means any substance, liquid or solid, which may

48 contaminate or pollute or affect the cleanliness or purity of any water;
49 and (12) "sewerage system" means any device, equipment,
50 appurtenance, facility and method for collecting, transporting,
51 receiving, treating, disposing of or discharging sewage, including, but
52 not limited to, decentralized systems within a decentralized
53 wastewater management district when such district is established by
54 municipal ordinance pursuant to section 7-247.

55 Sec. 2. Subsection (b) of section 7-246 of the general statutes is
56 repealed and the following is substituted in lieu thereof (*Effective*
57 *October 1, 2003*):

58 (b) Each municipal water pollution control authority designated in
59 accordance with this section may prepare and periodically update a
60 water pollution control plan for the municipality. Such plan shall
61 designate and delineate the boundary of: (1) Areas served by any
62 municipal sewerage system; (2) areas where municipal sewerage
63 facilities are planned and the schedule of design and construction
64 anticipated or proposed; (3) areas where sewers are to be avoided; (4)
65 areas served by any community sewerage system not owned by a
66 municipality; [and] (5) areas to be served by any proposed community
67 sewerage system not owned by a municipality; and (6) areas to be
68 designated as decentralized wastewater management districts. Such
69 plan shall also describe the means by which municipal programs are
70 being carried out to avoid community pollution problems and describe
71 any programs wherein the local director of health manages subsurface
72 sewage disposal systems. The authority shall file a copy of the plan
73 and any periodic updates of such plan with the Commissioner of
74 Environmental Protection and shall manage or ensure the effective
75 supervision, management, control, operation and maintenance of any
76 community sewerage system or decentralized wastewater
77 management district not owned by a municipality.

78 Sec. 3. Section 7-247 of the general statutes is repealed and the
79 following is substituted in lieu thereof (*Effective October 1, 2003*):

80 (a) Any municipality by its water pollution control authority may
81 acquire, construct and operate a sewerage system or systems; may
82 enter upon and take and hold by purchase, condemnation or otherwise
83 the whole or any part of any real property or interest therein which it
84 determines is necessary or desirable for use in connection with any
85 sewerage system; may establish and revise rules and regulations for
86 the supervision, management, control, operation and use of a sewerage
87 system, including rules and regulations prohibiting or regulating the
88 discharge into a sewerage system of any sewage or any stormwater
89 runoff which in the opinion of the water pollution control authority
90 will adversely affect any part or any process of the sewerage system;
91 may enter into and fulfill contracts, including contracts for a term of
92 years, with any person or any other municipality or municipalities to
93 provide or obtain sewerage system service for any sewage, and may
94 make arrangements for the provision or exchange of staff services and
95 equipment with any person or any other municipality or
96 municipalities, or for any other lawful services. The water pollution
97 control authority of any municipality planning to acquire, construct or
98 operate a new or additional sewerage system shall consider the
99 feasibility of using the sewage collected by such system as an energy
100 source for the generation of electricity or the production of other
101 energy sources. The water pollution control authority may establish
102 rules for the transaction of its business. It shall keep a record of its
103 proceedings and shall designate an officer or employee to be the
104 custodian of its books, papers and documents.

105 (b) Following approval of an engineering report by the
106 Commissioner of Environmental Protection that includes concurrence
107 with such approval by the Commissioner of Public Health, in
108 consultation with the local director of health, a municipality, acting
109 through its water pollution control authority may, by ordinance,
110 establish geographical areas of decentralized wastewater management
111 districts within such municipality.

112 (1) Such ordinance may also include, following the approval of such
113 ordinance by the local director of health pursuant to such director's

114 authority under section 19a-207: (A) Remediation and technical
115 standards for the design and construction of subsurface disposal
116 systems that are more stringent than those imposed by the Public
117 Health Code; (B) authority to order the upgrade of subsurface sewage
118 disposal systems in accordance with such remediation and technical
119 standards; (C) authority to establish criteria for the abandonment of
120 substandard subsurface sewage disposal systems; (D) authority to
121 order the property owner of a substandard subsurface sewage disposal
122 system that does not comply with such remediation standards,
123 technical standards or other criteria to abandon such substandard
124 subsurface sewage disposal system and connect to a sewerage system
125 pursuant to section 7-256; (E) standards for the effective supervision,
126 management, control, operation and maintenance of managed
127 subsurface sewage disposal systems within such decentralized
128 wastewater management districts; or (F) authority for the water
129 pollution control authority to enact and amend regulations, following
130 the approval of such regulations by the local director of health, that
131 govern the supervision, management, control, operation and
132 maintenance of such decentralized wastewater management districts.

133 (2) Such ordinance shall include remediation standards for the
134 design, construction and installation of alternative sewage treatment
135 systems that are consistent with any permit, order or recommendation
136 of the Commissioner of Environmental Protection.

137 (c) Notwithstanding any provision of the general statutes, an area
138 that is designated by ordinance of a municipality as a decentralized
139 wastewater district shall not be a public sewer for purposes of the
140 Public Health Code.

141 Sec. 4. Section 7-257 of the general statutes is repealed and the
142 following is substituted in lieu thereof (*Effective October 1, 2003*):

143 The water pollution control authority may order the owner of any
144 building to which a sewerage system is available to connect such
145 building with the system or order the owner to construct and connect

146 the building to an alternative sewage treatment system. No such order
147 shall be issued until after a public hearing with respect thereto after
148 due notice in writing to such property owner. Any owner aggrieved by
149 such an order may, within twenty-one days, appeal to the superior
150 court for the judicial district wherein the municipality is located. Such
151 appeal shall be brought to a return day of said court not less than
152 twelve or more than thirty days after service thereof. The judgment of
153 the court shall be final. If any owner fails to comply with an order to
154 connect, the water pollution control authority shall cause the
155 connection to be made and shall assess the expense thereof against
156 such owner."

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>